

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

LAWRENCE RODRIGUEZ, STEVEN J.
DURAN, ROSEMARY NEAL, JASON
BROWN and GREG MIERA, On behalf of
themselves and other Present and former City
employees,

Plaintiffs,

No. CIV 07-00901 JA/ACT

v.

CITY OF ALBUQUERQUE,

Defendant.

MOTION TO STRIKE CERTAIN CONSENTS

Defendant, City of Albuquerque (“City”), by and through its attorneys, Seyfarth Shaw LLP, and pursuant to Fed. R. Civ. P. 12(f) hereby moves to strike certain consents filed by alleged present and former employees of the City.

A Memorandum of Law (“Memorandum”) setting forth the grounds for the City’s Motion is filed with this Motion.

Counsel for Plaintiffs has been consulted and Plaintiffs do not concur in this Motion, except to the limited extent explained in the City’s Memorandum.

For the reasons explained in the City’s Memorandum, the City respectfully requests that the Court strike the consents of all individuals not named in the caption. At the very least, the Court must strike the consents of exempt employees and strike the Named Plaintiffs who have not filed consents from the Complaint and caption. Alternatively, if these individuals are allowed to remain in the case, Plaintiffs should be ordered to seek leave to amend the Complaint to add all such individuals to the caption as named Plaintiffs. Finally, the Court should allow 60

additional days from the date of its Order on this Motion for the parties to complete any necessary discovery.

Respectfully submitted:

CITY OF ALBUQUERQUE

Robert M. White
City Attorney

Electronically filed

/s/ Michael I. Garcia

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I HEREBY CERTIFY that on the 5th day of August, 2008, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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